

SAO \_\_\_\_\_

Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

NORTHERN

District of

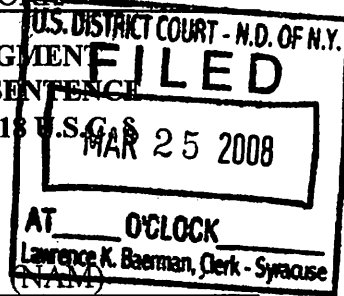
NEW YORK

UNITED STATES OF AMERICA

vs.

DUANE BAXTER

ORDER AND AMENDED JUDGMENT  
REGARDING MOTION FOR SENTENCE  
REDUCTION PURSUANT TO 18 U.S.C. §  
3582(c)(2)



Case

Number: 5:05-CR-189-001

USM

Number: 13200-052

James Greenwald, Esq.

Defendant's Attorney

Date of Previous Judgment: February 1, 2006

(Use Date of Last Amended Judgment if Applicable)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons, ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 63 months is reduced to 60 months (limited by Statutory Mandatory Minimum).

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 25Amended Offense Level: 23Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 63 to 78 monthsAmended Guideline Range: 60 to 63 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain): \_\_\_\_\_


## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated February 1, 2006 shall remain in effect.

IT IS SO ORDERED.

March 25, 2008

Order Date

  
Signature of Judge

Hon. Norman A. Mordue, Chief U.S. District Judge  
Name and Title of Judge

Effective Date (if different from order date)